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e-f. 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2454/2004

PETITIONER : **Hari Lal Mourya,**
S/o Shri Kalu Ram,
aged about 42 years, working as
Panchayat Karmi – Sachiv
(Removed) R/o Village- Bharatpur,
Post- Janakpur, Distt. Koria (C.G.).

P. R. No. 2454/04
Presented by Shri L. T. Naidu
dated 9-8-04

-Versus-

RESPONDENTS : 1. **State of Chhattisgarh,**
Through the Secretary Department
of Panchayat, Mantralaya, D. K. S.
Bhawan, Shastri Chowk,
Raipur (C.G.).

2. **Deputy Director,**
Panchayat & Social Welfare,
Koria (C.G.).

3. **Collector,**
Baikunthpur,
District- Koria (C.G.).

4. **Janpad Panchayat Bharatpur,**
Through it's Chief Executive
Officer, Bharatpur, Koria (C.G.).

5. **Gram Panchayat Bharatpur,**
Through its chief Executive Officer,
Bharatpur, District- Koria (C.G.).

शपथ आयुक्त
बिलासपुर तहसील छत्तीसगढ़

RECEIVED COPY
2/8/04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITION, CERTIORARI ETC.OR ANY OTHER DIRECTION OR ORDER TO DO JUSTICE IN THE MATTER.

Details of the petition.

1. **PARTICULAR OF THE PETITIONER :**

As per cause title.

(21)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2454 सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	19/01/2005 :-	

Shri Prashant Jayaswal, Senior Advocate, with Shri L.T. Modi counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate, for the State/respondents 1, 2 and 3, on advance copy.

Heard.

Learned counsel appearing for the petitioner submits that the petitioner was appointed as Panchayat Karmi of Gram Panchayat Bharatpur on 30/10/1999. Certain allegations were made against the petitioner on account of which he was removed from the post of Panchayat Karmi vide order dated 30/08/2003 (Annexure-P/1). Further submission of the learned counsel is that against the aforesaid removal the petitioner filed a representation before the Collector, Baikunthpur on 17/09/2003. Thereafter by a fresh resolution dated 03/10/2003, it was resolved that the petitioner should be again appointed as Panchayat Karmi of Gram Panchayat, Bharatpur. It is further submitted that after the said resolution, respondent No.2 issued a memo dated 17/06/2004 mentioning that since the petitioner was removed earlier by the order of the Collector on 30/08/2003, he cannot be appointed on the said post. The aforesaid order dated 17/06/2004 is filed as Annexure-P/3.

In fact, the petitioner has filed this petition for quashing of the aforesaid order dated 17/06/2004 (Annexure-P/3) by a writ of certiorari. In sum and substance the petitioner has not challenged the order of removal earlier passed by the Collector. Annexure-P/3 is simply a memo issued to the petitioner. It is in the form of a communication.

(22)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Respondent No.2 is neither appointing authority nor any authority which can take any action in the matter of appointment of the petitioner. This memo does not disclose any cause of action in favour of the petitioner to file the instant writ petition. The petition has no merit. Accordingly, the same is dismissed. However, it is observed that the petitioner is free to take appropriate steps against the order of removal passed by the Collector which is available to him in accordance with law. **Sd/-** **Sunil Kumar Sinha** **Judge**	